

Remarks

The Office Action mailed April 13, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-10 and 12-14 are pending in this application. Claims 1-10 and 12-14 stand rejected. Claims 1-6 and 9 have been amended. No new matter has been added.

The rejection of Claims 1-3, 7, 9 and 12 under 35 U.S.C. § 102(b) as being anticipated by Ramamurthi (U.S. Patent No. 5,251,144) is respectfully traversed.

Ramamurthi describes a system for predicting a life of a cutting tool in an automated metal cutting machine (column 2, lines 63-67). The system includes a plurality of sensors for measuring physical data relating to a cutting operation of the machine and a computer connected to these sensors (column 2, lines 63-67). The computer includes a feature extractor for transforming the physical data into feature values and a tool life predictor for arriving at a prediction of the life of the cutting tool (column 2, lines 67-column 3, line 2).

Claim 1 recites a method for tracking and disseminating information, the method comprising the steps of "receiving product specification information concerning a tool from a user via a device connected to a server via a network; comparing the received product specification information with pre-stored information on tools; displaying information related to the tool comprising displaying a useful remaining life of the tool; and selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool."

Ramamurthi does not describe or suggest a method for tracking and disseminating information as recited in Claim 1. Specifically, Ramamurthi does not describe or suggest receiving product specification information concerning a tool from a user via a device connected to a server via a network and selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool. Rather, Ramamurthi describes measuring, via sensors, physical data relating to a cutting operation of an automated metal cutting machine and predicting a life of a cutting tool. Accordingly, Ramamurthi does not describe or suggest a device connected to a server via a network and selecting, via the device, one of a plurality of

suppliers that made a request to obtain funds to buy the tool. For the reasons set forth above, Claim 1 is submitted to be patentable over Ramamurthi.

Claims 2, 3, 7 and 12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2, 3, 7 and 12 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2, 3, 7 and 12 likewise are patentable over Ramamurthi.

Claim 9 recites a method for tracking and disseminating information, said method comprising the steps of “receiving product specification information concerning a tool from a user via a device connected to a server via a network; comparing the received product specification information with pre-stored information on tools; displaying information related to the tool comprising the step of displaying information pertaining to the process by which the tool is made; and selecting, via the device, a name of a supplier that uses the tool.”

Ramamurthi does not describe or suggest a method for tracking and disseminating information as recited in Claim 9. Specifically, Ramamurthi does not describe or suggest receiving product specification information concerning a tool from a user via a device connected to a server via a network and selecting, via the device, a name of a supplier that uses the tool. Rather, Ramamurthi describes measuring, via sensors, physical data relating to a cutting operation of an automated metal cutting machine and predicting a life of a cutting tool. Accordingly, Ramamurthi does not describe or suggest a device connected to a server via a network and selecting, via the device, a name of a supplier that uses the tool. For the reasons set forth above, Claim 9 is submitted to be patentable over Ramamurthi.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-3, 7, 9 and 12 be withdrawn.

Moreover, Applicants respectfully traverse the statement on page 4, paragraph 8 of the Office Action that Ramamurthi inherently discloses “the claimed network and server structure” because Ramamurthi discloses a knowledge base 152 that “may be distributed over other storage devices.” Applicants respectfully submit that the Examiner has not shown that Ramamurthi necessarily describes or suggests receiving

product specification information concerning a tool from a user via a device connected to a server via a network is recited in Claims 1 and 9 by showing that a knowledge base may be distributed over other storage devices. A knowledge base may be distributed over other storage devices without connecting the storage devices to a network that is connected to a server. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Applicants respectfully submit that Ramamurthi does not describe or suggest receiving product specification information concerning a tool from a user via a device connected to a server via a network. For the reasons set forth above, Claims 1 and 9 are submitted to be patentable over Ramamurthi.

Claims 2, 3, 7 and 12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2, 3, 7 and 12 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2, 3, 7 and 12 likewise are patentable over Ramamurthi.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-3, 7, 9 and 12 be withdrawn.

The rejection of Claims 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by Purcell (WO 97/44749) is respectfully traversed.

Purcell describes a method for controlling the collection, processing and dissemination of information by a host regarding product and service availability (abstract). The method includes the steps of establishing a host operated information management system on a computer (abstract). Host approved sellers of products and services are granted limited electronic access to the information management system so that the seller can access that seller's inventory information on the system for adding, amending and deleting portions of the seller's inventory information (abstract). The seller's inventory information is analyzed and assimilated into a

buyer's listing of products and services available to potential buyers (abstract). Host approved buyers of products and services are granted limited electronic access to the system so that each approved buyer can access the buyer's listing for reviewing products and services of interest to that buyer (abstract). An approved buyer can electronically designate a product or service of interest for purchase from the buyer's listing (abstract).

Claim 4 recites a method for tracking and disseminating information, the method comprising the steps of "receiving product specification information concerning a tool from a user via a device connected to a server via a network, wherein said receiving product specification information comprises receiving a request to obtain funding to buy the tool configured to make a part; comparing the received product specification information with pre-stored information on tools; and displaying information related to the tool."

Purcell does not describe or suggest a method for tracking and disseminating information as recited in Claim 4. Specifically, Purcell does not describe or suggest receiving product specification information concerning a tool from a user via a device connected to a server via a network, where receiving product specification information includes receiving a request to obtain funding to buy the tool configured to make a part. Rather, Purcell describes analyzing and assimilating a seller's inventory information to generate a buyer's listing of products and services available to potential buyers, and electronically designating a product or service of interest for purchase from the buyer's listing. Accordingly, Purcell does not describe or suggest receiving a request to obtain funding to buy the tool that is configured to make a part. For the reasons set forth above, Claim 4 is submitted to be patentable over Purcell.

Claim 5 depends on Claim 4. When the recitations of Claim 5 are considered in combination with the recitations of Claim 4, Applicants submit that dependent Claim 5 likewise is patentable over Purcell.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 4 and 5 be withdrawn.

The rejection of Claims 1-3, 7, 9, 12 and 14 under 35 U.S.C. § 102(b) as being anticipated by Sirosis (U.S. Patent No. 6,401,056) is respectfully traversed.

Applicants respectfully submit that Sirosis is not prior art under 35 U.S.C. § 102(b) because Sirosis was not patented more than one year prior to the filing date, December 5, 2000, of the above-referenced application. A person shall be entitled to a patent unless the invention was patented or described in a printed publication more than one year prior to the date of application for patent in the United States (MPEP 2133). Sirosis was patented on June 4, 2002, which is not more than one year prior to the filing date of the above-referenced patent application. Accordingly, Applicants respectfully submit that Sirosis is not prior art under 35 U.S.C. § 102(b). However, Applicants assume that Sirosis is prior art under 35 U.S.C. § 102(e).

Sirosis describes a computer-implemented method for evaluating tool performance that includes maintaining tool history data in an electronic memory, updating the tool history data with tool servicing data, determining from the tool history and servicing data a predicted tool remaining useful life, and displaying the predicted useful life on a computer output device (column 1, lines 43-49). Average tool data is compared to tool benchmark data to determine tool efficiency (column 1, lines 49-50).

Claim 1 recites a method for tracking and disseminating information, the method comprising the steps of “receiving product specification information concerning a tool from a user via a device connected to a server via a network; comparing the received product specification information with pre-stored information on tools; displaying information related to the tool comprising displaying a useful remaining life of the tool; and selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool.”

Sirosis does not describe or suggest a method for tracking and disseminating information as recited in Claim 1. Specifically, Sirosis does not describe or suggest selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool. Rather, Sirosis describes maintaining tool history data in an electronic memory, updating the tool history data with tool servicing data, determining from the tool history and servicing data a predicted tool remaining useful

life, and displaying the predicted useful life on a computer output device. Accordingly, Sirosis does not describe or suggest selecting, via the device, one of a plurality of suppliers that made a request to obtain funds to buy the tool. For the reasons set forth above, Claim 1 is submitted to be patentable over Sirosis.

Claims 2, 3, 7, 12 and 14 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2, 3, 7, 12 and 14 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2, 3, 7, 12 and 14 likewise are patentable over Ramamurthi.

Claim 9 recites a method for tracking and disseminating information, said method comprising the steps of “receiving product specification information concerning a tool from a user via a device connected to a server via a network; comparing the received product specification information with pre-stored information on tools; displaying information related to the tool comprising the step of displaying information pertaining to the process by which the tool is made; and selecting, via the device, a name of a supplier that uses the tool.”

Sirosis does not describe or suggest a method for tracking and disseminating information as recited in Claim 9. Specifically, Sirosis does not describe or suggest selecting, via the device, a name of a supplier that uses the tool. Rather, Sirosis describes maintaining tool history data in an electronic memory, updating the tool history data with tool servicing data, determining from the tool history and servicing data a predicted tool remaining useful life, and displaying the predicted useful life on a computer output device. Accordingly, Sirosis does not describe or suggest selecting, via the device, a name of a supplier that uses the tool. For the reasons set forth above, Claim 9 is submitted to be patentable over Sirosis.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-3, 7, 9, 12 and 14 be withdrawn.

The rejection of Claims 1-3, 7, 9 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Ramamurthi is respectfully traversed.

Claim 1 recites a method for tracking and disseminating information, the method comprising the steps of “receiving product specification information

concerning a tool from a user via a device connected to a server via a network; comparing the received product specification information with pre-stored information on tools; displaying information related to the tool comprising displaying a useful remaining life of the tool; and selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool.”

Ramamurthi does not describe or suggest a method for tracking and disseminating information as recited in Claim 1. Specifically, Ramamurthi does not describe or suggest receiving product specification information concerning a tool from a user via a device connected to a server via a network and selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool. Rather, Ramamurthi describes measuring, via sensors, physical data relating to a cutting operation of an automated metal cutting machine and predicting a life of a cutting tool. Accordingly, Ramamurthi does not describe or suggest a device connected to a server via a network and selecting, via the device, one of a plurality of suppliers that made a request to obtain funds to buy the tool. For the reasons set forth above, Claim 1 is submitted to be patentable over Ramamurthi.

Claims 2, 3, 7 and 12 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2, 3, 7 and 12 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 2, 3, 7 and 12 likewise are patentable over Ramamurthi.

Claim 9 recites a method for tracking and disseminating information, said method comprising the steps of “receiving product specification information concerning a tool from a user via a device connected to a server via a network; comparing the received product specification information with pre-stored information on tools; displaying information related to the tool comprising the step of displaying information pertaining to the process by which the tool is made; and selecting, via the device, a name of a supplier that uses the tool.”

Ramamurthi does not describe or suggest a method for tracking and disseminating information as recited in Claim 9. Specifically, Ramamurthi does not describe or suggest receiving product specification information concerning a tool from a user via a device connected to a server via a network and selecting, via the

device, a name of a supplier that uses the tool. Rather, Ramamurthi describes measuring, via sensors, physical data relating to a cutting operation of an automated metal cutting machine and predicting a life of a cutting tool. Accordingly, Ramamurthi does not describe or suggest a device connected to a server via a network and selecting, via the device, a name of a supplier that uses the tool. For the reasons set forth above, Claim 9 is submitted to be patentable over Ramamurthi.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-3, 7, 9 and 12 be withdrawn.

In addition to the arguments set forth above, Applicants respectfully submit that the Section 103 rejection of Claims 1-3, 7, 9 and 12 is not a proper rejection. As is well established, the mere assertion that it would have been obvious to one of ordinary skill in the art to have modified Ramamurthi to obtain the claimed recitations of the present invention does not support a prima facie obvious rejection. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art and the Applicants given the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. Applicants have not been provided with the citation to any reference supporting the combination made in the rejection. The rejection, therefore, fails to provide the Applicants with a fair opportunity to respond to the rejection, and fails to provide the Applicants with the opportunity to challenge the correctness of the rejection. Of course, such combinations are impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claim 1-3, 7, 9 and 12 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-3, 7, 9 and 12 be withdrawn.

The rejection of Claims 6, 8, 10 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over Ramamurthi in view of Johnson et al. (U.S. Patent No. 6,023,683) is respectfully traversed.

Ramamurthi is described above. Johnson et al. describe a system in which data identifying selected catalog items is communicated to a requisition building

means, which generates a requisition including entries for items corresponding to the selected catalog items (column 3, lines 16-19). Additionally, the system includes a means for checking an availability in one or more inventory locations of the corresponding desired catalog items, and for generating one or more purchase orders for desired items from inventory locations stocking the items (column 3, lines 19-25).

Claims 6, 8, 10 and 12-14 depend on independent Claim 1 which recites a method for tracking and disseminating information, the method comprising the steps of “receiving product specification information concerning a tool from a user via a device connected to a server via a network; comparing the received product specification information with pre-stored information on tools; displaying information related to the tool comprising displaying a useful remaining life of the tool; and selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool.”

Neither Ramamurthi nor Johnson et al. describe or suggest a method for tracking and disseminating information as recited in Claim 1. Specifically, neither Ramamurthi nor Johnson et al. describe or suggest selecting, via the device, one of a plurality of suppliers that made a request to obtain funding to buy the tool. Rather, Ramamurthi describes measuring, via sensors, physical data relating to a cutting operation of an automated metal cutting machine and predicting a life of a cutting tool. Johnson et al. describe generating one or more purchase orders for desired items from inventory locations stocking the items. Accordingly, neither Ramamurthi nor Johnson et al. describe or suggest selecting, via the device, one of a plurality of suppliers that made a request to obtain funds to buy the tool. For the reasons set forth above, Claim 1 is submitted to be patentable over Ramamurthi in view of Johnson et al.

When the recitations of Claims 6, 8, 10 and 12-14 are considered in combination with the recitations of Claim 1, Applicants submit that 6, 8, 10 and 12-14 likewise are patentable over Ramamurthi in view of Johnson et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 6, 8, 10 and 12-14 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 6, 8, 10 and 12-14 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Ramamurthi nor Johnson et al. describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Ramamurthi with Johnson et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

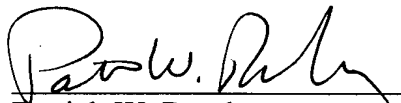
Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Ramamurthi teaches measuring, via sensors, physical data relating to a cutting operation of an automated metal cutting machine and predicting a life of a cutting tool. Johnson et al. teach generating one or more purchase orders for desired items from inventory locations stocking the items. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears

to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 6, 8, 10 and 12-14 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 6, 8, 10 and 12-14 under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick W. Rasche", written over a horizontal line.

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